

Declaration of Robert Earl Council

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: November 7, 2023

Signed: 

Robert Earl Council

A. Lt. Pelzer and Limestone officers' retaliatory animus against me

1. *In 2019, Plaintiff Council exposed ADOC corruption at Limestone, including the Limestone "bucket brigade," and filing a lawsuit against Sgt. Pelzer alleging that he used excessive force*

1. On February 28, 2019, at St. Clair correctional facility, a Corrections Emergency Response Team (CERT) and local police SWAT team members entered my cell before dawn. The officers placed me in zip ties and transferred me to Holman correctional facility, where I was placed in solitary confinement. My possessions were stolen or destroyed in the process, and I was placed in solitary without investigation or being charged with a disciplinary infraction. To protest my placement in solitary confinement at Holman so that the ADOC would release him to general population, I engaged in a hunger strike, refusing food or liquids for nearly two weeks. On March 12, 2019, I was transferred to the infirmary at Kilby correctional facility.
2. In March or April 2019, I was transferred back to Limestone. In May of 2019, I filed a complaint that Limestone supervisors were using C Dorm to force prisoners to undergo a dehumanizing "bucket detail" to search for contraband. As a result of his outreach to the media, the Montgomery Advertiser reported on the unconstitutional practice and Limestone stopped the bucket detail.
3. In June, 2019, I assisted another inmate in filing a complaint on Lt. Bright for his practice of throwing away the paperwork and legal documents of incoming inmates for arbitrary reasons (liquid stains, rips, tears) without making copies or offering solutions. In this instance, Lt. Bright took legal documents from an inmate that were necessary to prepare for an upcoming appeal, resulting in a violation of the inmate's constitutional rights to due process
4. On July 29, 2019, I assisted another inmate, Travis Griggs, AIS 212909, in filing a lawsuit against Sgt. Pelzer. On May 6, 2019, Griggs was attending a disciplinary hearing, handcuffed and in a chair, when Sgt. Pelzer physically assaulted Griggs and sprayed Griggs with mace in the full view and presence of other correctional officers. Griggs listened to Sgt. Pelzer provide false testimony at the hearing. Griggs stated, "Why you sitting there lying? You just mad at the world cause your arms are shorter than everybody elses'." "(An insult directed at Sgt. Pelzer's physical deformity." Sgt. Pelzer became visibly angry, jumped out of his chair, pulled out his mace, sprayed Griggs in the face

and neck area, charged across the room, grabbed Griggs by the shirt and slammed him to the floor.

5. In October 2019, I communicated with the media and reported to the I & I Division of the ADOC that Captain McKenzie and Sgt. Pelzer were involved in an illegal gambling ring and extortion at Limestone Correctional Facility.
6. In retaliation, Sgt. Pelzer asked Officer Dustin Brewer to issue a false disciplinary charge to me for allegedly possessing contraband drugs. On October 29, 2019, I was placed in solitary confinement at Limestone following a search of my cell allegedly uncovering drugs. Officer Brewer allegedly found drugs in my cell. Officer Brewer planted five pieces of paper in my cell that he then allegedly found and used as justification to place me in solitary confinement on October 30, 2019.
7. Officer Brewer issued me fabricated disciplinary violations for possessing contraband and I was then placed in solitary.
8. During a conversation on November 23, 2019, between myself and the second officer involved in the October 29, 2019 “shakedown,” Officer Cotram stated that he did not see any drugs himself during the shakedown. Just over a month later, on December 30, 2019, Cotram would communicate to me that he was never questioned by the captains or wardens about the incident.
9. Following my placement in solitary, I went on a hunger strike from October 30, 2019 to November 12, 2019, naming the threatening and unlawful actions taken against me as well as my friend and supporter outside of the prison, Elizabeth Davenport. Around the same time, Davenport received information that Sgt. Pelzer had made threats against her safety and the safety of her children.
10. A sworn affidavit written by a prisoner at Limestone correctional facility states that Sgt. Pelzer stated directly to the prisoner that Sgt. Pelzer was prepared to retaliate against me because Sgt. Pelzer knew that I was working on something that could jeopardize his job. Sgt. Pelzer stated I would “regret it” and went on to tell the prisoner about his brother being a “drug dealer” and that he himself had a reputation on the streets for “violence” and further indicated that the retaliation would be in the form of involving Davenport “because he knew where she lived and knew she had kids.”
11. On November 7, 2019, I served a 208 Complaint upon the wardens at Limestone, contending that Limestone’s wardens had failed to investigate my specific allegations of corruption and retaliation efforts performed by Sgt. Jeremy Pelzer and Officer Brewer, both of whom were acting under the direction from Captains Stephen Langford and Denise McKenzie.
12. On November 12, 2019, I came off of the hunger strike following a conversation with Wardens Deborah Toney and Officer Scarlett Robinson, both of whom confirmed that the 208 Complaint had been received and would be investigated.

13. A letter from my attorney, David Gespass, dated November 8, 2019, was also sent to Gary Willford, the assistant attorney general for ADOC Legal Division, detailing the sequence of events and evidence of retaliation against myself and Davenport. My attorney expressed grave concern over my welfare so long as I continued to be housed at Limestone.
 14. On January 14, 2020, day nine of my hunger strike, I was informed by medical staff at Limestone infirmary that should I continue my strike I would require dialysis because his kidneys had been pushed to the limit. I ended his hunger strike.
 15. On January 21, 2020, I was set to be released back into population because that was the date that I was to have completed the mandatory segregation time issued following the fabricated disciplinary charges. However, a few days prior, I was notified that I was required to remain in Administrative Segregation indefinitely. Allegedly, I had two enemies transferred to the facility.
 16. I obtained the names of my two alleged enemies and discovered that one was no longer in ADOC custody (the individual was released on January 21, 2020). The second individual, Larry Jones, stated in an affidavit that he had never spoken to a classification officer reporting me to be his enemy. He also stated that if his signature was on any form stating otherwise, then that signature was forged.
- 2. Between July and August of 2023, I exposed Limestone correctional officers' physical assaults and use of excessive force on Limestone prisoners*
17. Between July and August of 2023, I referred incidents of Limestone correctional officers physically assaulting and using excessive force against Limestone prisoners to civil rights attorneys for litigation. These incidents included:
 - a. Marquez Vaughn - Vaughn was beaten by Sgt. Jacobs, Anderson, and Officer Green;
 - b. Vinessa Banks, AIS 00271892- Banks was beaten by Sgt. Jacobs, Lt. Pelzer, and Officer Clements; Limestone correctional officers beat Banks. Lt. Pelzer punched Banks in the mouth, breaking his jaw.
 - c. Patrick Wooden, AIS 00264509- Wooden was beaten by Sgt. Jacobs and Officer Waed. After Lt. Pelzer and other officers broke Banks' jaw, Wooden began to try to convince other prisoners to sign a petition decrying the officers' excessive use of force against Banks and seeking to hold Lt. Pelzer accountable. Correctional officers Sgt. Jacobs and Officer Waed beat Wooden and broke his arm.
 - d. Andrew Clark- Clark was beaten by Lt. Chandler, Sgt. Parker, and Officer Collins.
 - e. Anthony Jackson-
 18. On September 5, 2023, Limestone correctional officers Lt. Chandler, Sgt. Parker, and Officer Collins beat Clark, who was handcuffed at the time, unconscious. After the assault Clark began urinating blood and was taken to the infirmary for a body chart and was given an IV. However, the medical staff did not check Clark for any head trauma

despite the fact that the correctional officers also struck him on the head with a baton. These same correctional officers then charged Clark with fabricated disciplinary violations to create pretext for their use of force.

19. Anthony Jackson- Jackson was beaten by Officer Owens, Sgt. Morrison. On the morning of August 17, 2023, Officer Owens and Sgt. Morrison became angered at Jackson because Jackson was selling food outside of the chow hall. Officer Owens and Sgt. Morrison handcuffed Jackson and then, while Jackson was handcuffed, slammed Jackson into the mud and gave him a black eye and broke his arm. When Jackson returned to his dormitory, another prisoner posted a video of him on tiktok. The next day, Lt. Pelzer called Jackson into his office and asked him if I helped him post the video to tiktok. I had no knowledge of or anything to do with the video.
20. Officer Owens and Sgt. Morrison then fabricated four false disciplinaries against Jackson: (1) harassment; (2) threatening an officer; (3) disobeying a direct order; and (4) delaying and hindering an officer. Jackson had not been given any orders by Officer Owens or Sgt. Morrison to obey and presented no threat to the officers. Rather, Jackson was complying with their orders and standing while handcuffed when he was attacked. Limestone's officer tasked with investigating incidents of excessive force, Captain McKenzie, never took a statement from him despite Jackson's attorney specifically requesting that she do so.
21. Limestone correctional officers, including Warden Street and Lt. Pelzer, became alarmed by the increasing number of attorney legal visits and legal phone calls being scheduled with those five prisoners. These officers began to fear that I was orchestrating a legal campaign to hold them accountable and that they could be referred to criminal prosecution.
22. Lt. Pelzer and other Limestone officers knew that I had assisted prisoners in filing lawsuits against them in the past.

B. In 2023 and 2022, Limestone officers inflicted beatings and pepper sprayed me as retaliation for exposing ADOC corruption; continuing a pattern of correctional officers using excessive force against me, including when Donaldson officers blinded me in 2021 and Limestone officers beat me in 2016

1. *October 15, 2023, officers acting on behalf of Lt. Pelzer fabricated disciplinary charges against me and placed me back in segregation:*
23. On October 15, 2023, in I dorm at 10:45 a.m. Officer Steven Parker and Officer Brewer were sent by Warden Streeter and Lt. Pelzer and told me that they were placing me in solitary because they had evidence that I had violated ADOC's social media policy. I denied that I had violated any ADOC social media policy. Officer Parker then sprayed me with a cell buster pepper spray, an extremely powerful tactical pepper spray commonly used to put down large crowds but not intended to be directed at individuals at

close range. This use of force was excessive because I remained non-violent and made no threat towards the officers.

24. As detailed below, Lt. Pelzer and the officers then also charged me with false disciplinary violations and a sham disciplinary hearing to provide pretext for placing me back in solitary confinement. Since October 15, 2023, I remain in solitary confinement. This continues a pattern of Lt. Pelzer and other Limestone officers using a combination of excessive force, false disciplinary charges, and solitary confinement to retaliate against me.

2. *December 2, 2022 while handcuffed behind my back and facing the wall, Lt. Mike Jones, Sgt. White, Sgt. Cottle sprayed me directly in the eyes*

25. On December 2, 2022, Lt. Mike Jones, Sgt. White, Sgt. Cottle sprayed me while I was handcuffed and facing a wall.

3. *November 28, 2022, Lt. Mike Jones, Sgt. White, Sgt. Cottle threw me on the floor, cut my clothes off, and placed me in a suicide cell.*

26. November 28, 2022, Lt. Mike Jones, Sgt. White, Sgt. Cottle threw me on the floor, cut my clothes off, and placed me in a suicide cell.

4. *September 28, 2022, a CERT team twisted my arm behind my back, handcuffed me, dragged me by an arm and a leg across the floor*

27. On September 26, 2022, Alabama prisoners at least five facilities went on strike, withholding their labor. By September 28, 2022, I and other prisoners were on strike. At multiple facilities where the strikes were occurring the wardens retaliated by denying prisoners medical care and limiting their food to only two meals a day. Limestone officers sent a group of prisoners to talk to me and I explained that the strike was not proceeding for the comfort of the officers nor to help the officers run the prison better. That was not the point of what the strikers were doing. I told everyone in the group that the Alabama prisoners were on strike until they were able to see an opportunity to come home, which included repealing the Habitual Offender Act and making the sentencing guidelines retroactive. That would give many Alabama prisoners serving lengthy sentences an opportunity to be released to their families.

28. After I rejected their offer to call off the strike, the prison administrators made a second offer to me to end the work strike. They offered to let several of my friends be released from segregation where they had been detained for years. I again denied the request. I repeated that the prisoners were solidified in their strike at Limestone, Fountain, Bibb, and other correctional facilities. The point of the strike was not to make it easier for twenty correctional officers to control 2,300 prisoners at Limestone when it was ADOC supervisory officials who were responsible for the understaffing, not the prisoners protesting the conditions.

29. About an hour after that, a CERT team and several officers came into B dormitory where I slept and counted the prisoners. At the end of the count, instead of exiting the dormitory, the CERT team and officers went to my cell. I was in the dayroom watching the tv news. Officers told me to come into my cell. When I got up and to my cell, there was an officer from the CERT team inside my cell and one was standing outside my cell. I informed the officers that I had no contraband and submitted to a strip search. I then stepped aside and allowed my cell to be searched. One of the officers said that I was being moved to restrictive housing.
30. I refused to go to restrictive housing, stating that I had broken no rule or ADOC regulation and demanded to see their supervisors. One of the officers then reached for my wrist and twisted my arm behind my back, placing me in handcuffs. Officers then dragged me by an arm and a leg across the floor in the prison block, twisted both at awkward angles, and threw me on top of a trash cart, and wheeled me into the health care unit at the facility. The health care unit then refused to perform a body chart and document my injuries.
5. *Correctional officers at Donaldson also physically beat and injured me when I engaged in work strikes—on January 30, 2021, officers beat me, blinding me in my left eye*
31. In January 2021, prisoners at multiple Alabama correctional facilities went on strike. On January 11, 2021, for example, incarcerated workers at Fountain went on strike, demanding the restoration of hot water and visitation.
32. On January 30, 2021, at Donaldson prison, towards the end of the strike, Ephan Moore was having a mental health crisis in his cell in the early morning hours. Donaldson correctional officers beat Moore until he was unconscious. I was standing nearby, observed this, and pleaded with the officers to stop beating Moore. As I walked back to my cell a guard tracked me and struck me in the back of the head. Sgt. Binder, Sgt. Melton and Officer Griffin entered my cell and continued to beat me. My cellmate Derrol Shaw observed the entire incident.
33. Correctional officers beat me and, after I was unconscious, dragged me from my cell by my feet out of the cell, across the length of the dorm, and then dropped me into the corridor. Believing that they had killed me, officers obtained a mop bucket and attempted to clean the blood from my cell to cover-up evidence of the assault.
34. I was airlifted to the University of Alabama-Birmingham trauma unit. My skull was cracked in three different places and I had three broken ribs. Witnesses reported that the trauma unit was heavily guarded by armed cops and they denied my family entry to my hospital room. Members of Alabama Students Against Prisons organized a rally outside the hospital, urging correctional and hospital staff to let my family visit me.
6. *Correctional officers at Limestone also physically beat and injured me in December 2016*

35. On December 2, 2016, I was brutally attacked at Limestone by two correctional officers. While escorting me to the shower, officers Dozier and Shoulders beat and sprayed me with mace. I told other staff employees around this time that I was in fear of my life.

C. In 2023, Limestone officers threatened me with beatings and physical harm and conspired to have me killed

36. In April 2023, I informed Classification and Mental health staff at Limestone that I feared that my life was in danger.

37. Between May and June, Lt. Pelzer made a statement to another prisoner that I “[was] the reason Lewis (a prisoner who is the head of the Crips) can’t get out,” and “Even if yall [referring to prisoner gang members] killed him, I’ll make sure nothing happens to yall.”

38. On June 20, 2023, Officer Charley made a statement “What you looking at? That’s why you lost a eye at West Jefferson.” Other correctional officers who were present included Officers Cobb and Ard.

39. On June 20, 2023, Lt. Gilbert and Officer Collins said, “Fuck that shit. I’m gone start sending there ass out the back gate,” referring to killing prisoners.

40. On June 24, 2023, Lt. Gilbert stated “I can’t wait to catch his ass [referring to me]. Everybody be following him like he somebody,” while gritting his teeth

41. On June 26, 2023, I received legal mail from my attorney dated May 8, 2023.

42. On June 28, 2023, Lt. Pelzer informed other prisoners that “Robert Council posted a live and that’s why y’all can’t catch store.” Lt Pelzer told this message to members of two different gangs.

43. On July 5, 2023, other correctional officers shook down my cell and tore everything apart.

1. In October 2023, Limestone officers served me with fabricated disciplinaries and placed me in solitary confinement; this continued a pattern of retaliation that Lt. Pelzer and Limestone officers subjected me to since I arrived back at Limestone in December 2021

1. *In October 2023, Limestone correctional officers charged me with false disciplinaries and subjected me to a sham disciplinary proceeding to provide pretext for placing me back in solitary confinement*

44. On October 16, 2023, Sgt. Steven Parker issued me four disciplinary violations: (1) that I physically assaulted him while he was escorting from Housing Unit I; (2) that I violated administrative regulations by participating in a video posted on social media; (3) that I failed to obey a direct order of an ADOC officials, and (4), that I violated administrative regulations by producing a video posted on social media.

45. On October 3, 2023, I spoke with my mental health counselor Mr. Graham and expressed concerns about my life being in danger.
46. On October 15, 2023, in I dorm at 10:45 a.m. Steven Parker and CO Brewer told me that they were placing me in solitary because they had evidence that I had violated ADOC's social media policy. I denied that I had violated any ADOC social media policy or spoken on a podcast. Officer Parker then sprayed me with a cell buster pepper spray, an extremely powerful tactical pepper spray commonly used to put down large crowds but not directed at individuals.
47. The officers then took me to an office where an internet video was played for me. I pointed out to the officers that the video circulating online was a video taken in 2020 when I was housed at Donaldson correctional facility. Noticeable in the video behind me was Derrol Shaw, who in August 2023 became famous for taking over Donaldson correctional facility. As I pointed out, there was no way the video was recent or filmed at Limestone. One of the officers agreed, with Lt. Johnson noticing that the light fixtures in the video were different than those used in the Limestone dormitories.
48. The officers then accused me of physically assaulting them. I did not pose a threat to the officers and did not physically touch the correctional officers, except for the officers placing me in handcuffs. I told officers that I had not touched the officers and that the officers did not have body charts, medical records showing that the officers suffered injuries.
49. The correctional officers had no legitimate reason to use force against me. In addition, I did not disobey an order. Rather, I engaged in protected activity by passively stating my opposition to ongoing unconstitutional retaliation, placement in solitary, and use of force.
50. Moreover, but for the officers relying on an internet video of me as a retaliatory and fabricated basis to go to I dorm and take me to segregation, they would not have caused and provoked me into responding with protected opposition and passive, peaceful resistance, by objecting to being transferred to solitary; passive resistance that they could then misconstrue as an assault on Officer Parker and other disciplinary charges.
51. On October 30, 2023, ADOC purported to hold a disciplinary hearing on the charges against me. I had a reasonable belief, based on my experience with their sham disciplinary proceedings, that the disciplinary hearing would be a retaliatory and sham proceeding. I had previously requested to Warden Streeter that I not be called to attend sham disciplinary proceedings where the outcome was predetermined as it was a waste of my time.
52. Therefore, I entered the hearing to voice my complaints about my toilet in my single cell not working. I saw the decisionmaker or disciplinary court 'judge' with a form for the hearing that was already filled out, so the decision on my disciplinaries was pre-

determined. I voiced my objections to the proceedings as a sham, requested that my toilet be fixed, and then left.

53. ADOC brought zero witnesses to the so-called hearing.

2. *Since I arrived back at Limestone in December 2021, Limestone officers repeatedly placed me in solitary confinement, rather than general population, without justification.*

54. On December 17, 2021, I was transferred from Kilby to Limestone. The retaliation and intimidation that I experienced began from the moment that I arrived. Immediately after stepping off the bus, Officer Bright called my name, telling me “front and center” and told me this was my Christmas present. I was transferred from Kilby to Limestone as a Medium 9 custody level, meaning I was eligible to be housed in general population. Officer Bright and other Limestone officers immediately transferred me to an observation cell. I was placed in “Statewide lock-up” in cell D-19, a cell covered with mace and gas because it had recently been sprayed. I was not given any materials to clean the walls.

55. I was informed that a Captain Caldwell had ordered me placed on Statewide lock-up. The intimidation continued in the form of shake downs of my cell from other officers. On December 20, 2021 Officer D. Charley and S. Dozier came into my cell and shook me down and found one Newport cigarette that was given to me by another officer. On December 22, 2021, Officer Brewer came into my cell and served a disciplinary for contraband at 3:55 a.m. I informed my mental health staff that I was not supposed to be in segregation based on my custody level and told them about Officer Brewer coming in my cell. I told them that I feared for my life and it was causing me to have anxiety and be depressed.

56. On December 28, 2021, Limestone correctional officers informed me that I had been transferred from Kilby to Limestone because Cheryl Price in the ADOC’s central officer had issued a directive ordering me to be transferred to Limestone. These same correctional officers then informed me that I was being housed in Statewide Lockup because the Limestone administration, including the Wardens, Captain Caldwell, Captain McKinsey, the head of mental health, the head of classifications, and the shift supervisors did not want me at Limestone in general population even though my custody level allows for general population.

57. The Limestone administration had agreed that they wanted me to be placed in Statewide Lock up with no disciplinaries or supporting documentation. In other words, the Limestone staff was instructed to do whatever they could to get me placed in “closed custody,” meaning in solitary.

3. *In 2022, Limestone officers again repeatedly charge me with false disciplinary violations to provide pretext for reclassifying me and placing me back in solitary confinement*

58. In the fall 2022, Limestone officers fabricated disciplinaries against me in order to place me in solitary confinement, retaliate against me, used excessive force, and denied me due process.
59. December 17, 2021, Lt. Sean Bright and me had a verbal altercation; ten days later on December 27, 2021, I was served a disciplinary for insubordination.
60. On January 5, 2022, I was moved from statewide lock-up in block (D) to Administrative Building block (C). On January 7, 2022, I was released to general population.
61. On January 7, 2022, Sgt. Smith, who was scheduled to be the hearing officer for the December 27, 2021 insubordination disciplinary, informed me that Captain Caldwell had voided the disciplinary and instructed him to release me to general population.
62. On January 14, 2022, while in general population, Officer Kenneth Noe served me the exact same disciplinary from December 27, 2021 for insubordination, saying that it had been reinstated.
63. On January 28, 2022, over my objection that the disciplinary was void and failed to comply with ADOC's Administrative Regulations, Lt. Hanser Whitfield found me guilty. Three days, Warden Streeter approved the voided disciplinary hearing.
64. ADOC Admin. Reg. 403, Sect. V.A.7 only affords ten working days for disciplinary hearing on a charge. Delaying the disciplinary hearing from December 27, 2021 to January 28, 2022 clearly exceeded the ten working days; there is no exception under ADOC regulations that would have permitted the disciplinary to be reinstated.
65. On January 28, 2022, I was placed into segregation without a detention notification as required by ADOC Administrative regulations nor was I given a reason for being placed in segregation on January 28, 2022. I was placed in administrative segregation block (C).
66. On January 31, 2022, Warden Streeter approved the voided disciplinary.
67. On January 31, 2022, my mother called Limestone to inquire why I had been placed in segregation on January 28, 2022. Captain Caldwell stated that I received one disciplinary because Montgomery called and said I was talking to media so lock me up; and I received one disciplinary for cursing at an officer on December 17, 2021.
68. On February 10, 2022, ADOC's media office clarified to Keri Blakinger, a journalist with the Marshall Project, that ADOC regulations permitted prisoners to communicate with media over the phone and that claims that a "prisoner had been placed in solitary for making calls to the media are false."
69. On February 10, 2022, thirteen days after I was placed in segregation, I received a detention notification informing me that I was placed in segregation per an LESD

investigation. This notification was served outside the ADOC seventy-two hour requirements, on letterhead displaying the name of Governor Bob Riley, so it was at least ten years old. The given reason, LESD investigation, was contrary to the reasons given by Captain Caldwell on January 31, 2022.

70. On February 21, 2022, I filed an Admin. Regulation 208 Complaint against ADOC and Limestone supervisory officials.
71. On September 28, 2022, I was placed in segregation.
72. On September 29, 2022, I informed my mental health specialist that my life was in danger
73. On September 30, 2022, I proclaimed that I was beginning a hunger strike
74. October 17, 2022, Lt. Jones took me to D dormitory and explained that I was there for a disciplinary hearing relating to several disciplinaries I was charged with because of my actions on September 28, 2022. Lt. Jones said that no witnesses were present because I failed to request witnesses. I asked, when had he ever known me not to request witnesses for my disciplinary hearings. Further, I said that I had not been served disciplinaries. Lt. Jones found me guilty on all disciplinaries and walked out.
75. On November 2, 2022, Warden Streeter affirmed the disciplinary hearing
76. On November 8, 2022, I was provided copies of several disciplinary charges and informed that I had a reclassification hearing the next day
77. On November 9, 2022, I went in front of a reclassification hearing, relating to the disciplinary charges issued against me relating to actions that I allegedly took on September 28, 2022 in B dorm. (1) in a disciplinary charge dated October 18, 2022, an ADOC officer alleged that me “incit[ed] other inmates to become aggressive,” me then “grabbed an officer,” “causing the officer to fall to the floor;” (2) in a disciplinary charge dated September 28, 2022, Lt. Pelzer lied and stated that I participated in speech and/or social media encouraging a work stoppage; (3) in a disciplinary dated October 3, 2022, Officer Simpson alleged that I failed to obey orders from staff; (4) in a disciplinary dated October 4, 2022, Lt. Pelzer lied and stated that I assaulted an officer; (5) in a disciplinary dated October 3, 2022, Lt. Pelzer lied and stated that I participated in an incident where multiple prisoners gathered around staff to intimidate them; (6) I was charged with unauthorized possession of a phone; and (7) I was charged with inciting a riot or rioting.
78. I contended that I had never been served any of the incident reports that were the basis of the hearing for disciplinary violations that allegedly occurred on September 28, 2022 in B dorm; nor was I allowed to list or call witnesses for the November 9, 2022 hearing. The disciplinary reports were based on the perjured testimony of Lt. Pelzer and Officer Simpson. I requested that all witnesses be required to state whether, on September 29, 2022, (1) they observed me become aggressive towards any ADOC officer; (2) they

heard me become violent or incite others towards any ADOC officer? These questions were never posed to the witnesses.

79. The reclassification hearing recommended that I remain in closed custody because I was accused of assault. However, no weapon was used, there were no injuries, and I did not demonstrate assaultive behavior.